

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

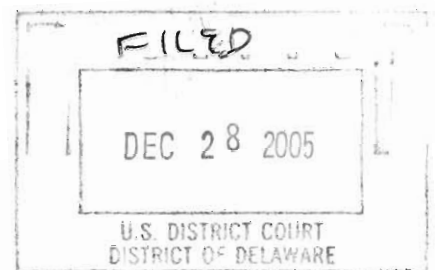
ORIGINAL

Richard TAYLOR,
Petitioner

C.A. No 05-30
K.A.S.

V.

Thomas C. Carroll, et al.
Respondent



Addendum

Facts: LEXSTAT II DECODE 4646
DELAWARE CODE ANNOTATED
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This Document is current
Through 75 Del. Laws CH 222
Annotations Current Through
July 15, 2005

TITLE II. Crimes And Criminal Procedure
PART II Criminal Procedure Generally
Chapter 43. Sentencing, Probation, Parole
and PARDONS
SUB CHAPTER IV. PAROLE
11 Del. C § 4346 (2005)

§ 4346 Del. C. Title 11; Subsection (C) states: For all purposes of this Section, a person sentenced to imprisonment for life shall be considered as having been sentenced to a fixed term of (45) years.

HISTORY: 11 Del. C. 1953, § 4346; 54 Del. Laws c. 349, § 7

Leroy L. Smith v. STATE of Delaware, 317 A.2d 20; 1974 Del. LEXIS 257 Supreme Court of Delaware

FACT: After retiring the jury sent to the Court a note asking ".... Could you please clarify in terms of years what life imprisonment means? The Court reviewed the matter with Counsel and then answered the question as follows:

"I will just read portions of a statute, which is 11 Delaware Code, Section 4346. It merely says that for all purposes, a person sentenced to imprisonment for life shall be considered as having been sentenced to a fixed term of forty-five years.

CHRIS A. CROSBY, V. STATE OF DELAWARE, 824 A.2d 894; 2003 Del. LEXIS 304
SUPREME COURT OF DELAWARE

FACT: The Clerk of this Court is also directed to transmit a copy of this opinion to the

Attorney General, Public Defender and Department of Corrections so that any inmate serving a life sentence that is affected by this opinion can have it calculated on the basis of a fixed term of 45 years with appropriate good time credits.

Ms. Jane Brady, Attorney General for the state of Delaware stated in Delaware State News, Nov. 2004; "The state cannot incarcerate prisoners beyond the Maximum sentence."

Date: December 26, 2005

Petitioner,
Richard D. Taylor
Richard D. TAYLOR
Delaware Correctional Center
1181 Paddock Road
Smyrna, Delaware 19977

Certificate of Service

I, Richard Taylor, hereby certify that I have served a true and correct copy(ies) of the attached: Addendum upon the following parties/person(s):

TO: Clerk of The Court
United States District Court
For The District of Delaware
844 N. King Street
Wilmington, Delaware 19801

TO: Mr. Greg Smith, Esq.
State of Delaware
Department of Justice
State Office Building
820 N. French Street
Wilmington, Delaware 19801

1/M Richard Taylor

SB# 00075/14 UNIT D

DELAWARE CORRECTIONAL CENTER

181 PADDOCK ROAD

SMYRNA, DELAWARE 19977

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U.S.M.S.
X-RAY

Office of the Clerk
United States District Court
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